

Senate Study Bill 1189 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON FEENSTRA)

A BILL FOR

1 An Act relating to the establishment of certain licenses and
2 fees by rules adopted by the natural resource commission
3 and including coordinating and transition provisions, and
4 effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

LICENSES AND FEES — RULES

Section 1. Section 483A.1, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

483A.1 Licenses — fees — rules.

1. Except as otherwise provided in this chapter, a person shall not fish, trap, hunt, pursue, catch, kill, take in any manner, use, have possession of, sell, or transport all or a part of any wild animal, bird, game, turtle, or fish, the protection and regulation of which is desirable for the conservation of resources of the state, without first obtaining a license for that purpose, and the payment of a fee as established by rules adopted by the commission pursuant to chapter 17A.

2. a. The fees established by rule pursuant to subsection 1 shall be periodically evaluated by the department, but not less often than once every three years, to ensure that the fees paid are sufficient to meet the needs of natural resource management and the public.

b. By December 15 of each year on and after December 15, 2018, that an evaluation of the license fees is completed, the department shall file a written report with the commission and the general assembly which shall include the evaluation and recommendations for changes, if any. Any fee increase proposed in such a report shall not take effect until on or after December 15 of the year succeeding the report and an individual license fee shall not be increased in any calendar year in an amount that exceeds five percent.

Sec. 2. Section 483A.3, subsection 1, paragraph a, Code 2017, is amended to read as follows:

a. A resident or nonresident person required to have a hunting or fur harvester license shall not hunt or trap unless the person purchases a hunting or fur harvester license that includes the wildlife habitat fee, in an amount established by rules adopted by the commission pursuant to section 483A.1.

1 Sec. 3. Section 483A.3, subsection 1, paragraph c, Code
2 2017, is amended by striking the paragraph.

3 Sec. 4. Section 483A.3, subsection 1, paragraphs d and e,
4 Code 2017, are amended to read as follows:

5 d. All wildlife habitat fees shall be administered in
6 the same manner as hunting and fur harvester licenses except
7 all revenue derived from wildlife habitat fees shall be used
8 within the state of Iowa for habitat development and shall be
9 deposited in the state fish and game protection fund, except
10 as provided in [subsection 2](#). The revenue may be used for
11 the matching of federal funds. The revenues and any matched
12 federal funds shall be used for acquisition of land, leasing of
13 land, or obtaining of easements from willing sellers for use
14 as wildlife habitats. Notwithstanding the exemption provided
15 by [section 427.1](#), any land acquired with the revenues and
16 matched federal funds shall be subject to the full consolidated
17 levy of property taxes, which shall be paid from ~~those~~ the
18 income generated from those lands or, if no such income is
19 generated, from the wildlife habitat fee revenues. In addition
20 the revenue may be used for the development and enhancement of
21 wildlife lands and habitat areas.

22 e. ~~Not less than fifty percent of all revenue~~ three dollars
23 from each wildlife habitat fees fee shall be allocated as
24 specified in section 483A.3B and not less than fifty percent
25 of the balance of each fee shall be used by the commission
26 to enter into agreements with county conservation boards or
27 other public agencies in order to carry out the purposes of
28 this section. ~~The~~ However, the state share of funding of those
29 agreements provided by the revenue from wildlife habitat fees
30 shall not exceed seventy-five percent.

31 Sec. 5. Section 483A.3, subsections 3 and 4, Code 2017, are
32 amended to read as follows:

33 3. Notwithstanding [subsections 1 and 2](#), any increase in
34 wildlife habitat fee revenues ~~received~~ collected on or after
35 ~~July 1, 2007~~ December 15, 2017, pursuant to [this section](#) as

1 a result of wildlife habitat fee increases ~~pursuant to 2007~~
2 ~~Iowa Acts, ch. 194~~ established by rules adopted pursuant to
3 section 483A.1, shall be used by the commission ~~only for~~
4 ~~the purpose of the game bird habitat development program as~~
5 ~~provided for any of the purposes set forth in this section or~~
6 in section 483A.3B, except that such increases in revenues
7 collected shall not be used by the commission for the purpose
8 of land acquisition. The commission shall not reduce on an
9 annual basis for these purposes the amount of other funds being
10 expended as of ~~July 1, 2007~~ December 15, 2017.

11 4. A ~~three-year~~ multi-year hunting license purchased
12 pursuant to section 483A.1, subsection 1, paragraph "~~j~~"
13 483A.9A, includes the payment of a wildlife habitat fee for
14 each of the ~~three~~ years for which the license is valid and
15 those fees shall be used as provided in this section.

16 Sec. 6. Section 483A.3A, Code 2017, is amended to read as
17 follows:

18 **483A.3A Fish habitat development funding.**

19 Three dollars from each resident and nonresident annual and
20 seven-day fishing license and nine dollars from each resident
21 ~~three-year~~ multi-year fishing license sold shall be deposited
22 in the state fish and game protection fund and shall be used
23 within this state for fish habitat development. Not less than
24 fifty percent of this amount shall be used by the commission to
25 enter into agreements with county conservation boards to carry
26 out the purposes of this section.

27 Sec. 7. Section 483A.3B, subsection 1, Code 2017, is amended
28 to read as follows:

29 1. *Allocation of revenue — accounts.* All revenue collected
30 from ~~increases in~~ wildlife habitat fees as provided in section
31 483A.3, subsection 3 1, paragraph "~~e~~", that is deposited in
32 the state fish and game protection fund and that is allocated
33 pursuant to this section shall be allocated as follows:

34 a. ~~Two~~ Not less than two dollars of each wildlife habitat
35 fee collected shall be allocated to the game bird wetlands

1 conservation account.

2 **b.** ~~One~~ Not less than one dollar of each wildlife habitat
3 fee collected shall be allocated to the game bird buffer strip
4 assistance account.

5 **c.** Notwithstanding section 12C.7, subsection 2, interest or
6 earnings on moneys collected from wildlife habitat fees that
7 are deposited in each account created under this section shall
8 be credited to that account. Notwithstanding section 8.33 or
9 section 456A.17, moneys credited to each account created under
10 this section shall not revert to the state general fund at the
11 close of a fiscal year.

12 **d.** All revenue ~~generated by increases in the~~ collected
13 from wildlife habitat fee fees as provided in section 483A.3,
14 subsection 3 1, paragraph "e", that is allocated pursuant to
15 this section shall be used as provided in this section, except
16 for that part which is specified by the department for use in
17 paying administrative expenses as provided in section 456A.17.

18 **Sec. 8. NEW SECTION. 483A.6B Nonresident five-day hunting**
19 **license — fee.**

20 1. A nonresident may be issued a five-day hunting license
21 that costs an amount as set by rules adopted pursuant to
22 section 483A.1, including the wildlife habitat fee. A
23 nonresident hunting with a license issued under this section
24 shall be otherwise qualified to hunt in this state.

25 2. This section is repealed on December 15, 2020.

26 **Sec. 9.** Section 483A.17, Code 2017, is amended to read as
27 follows:

28 **483A.17 Tenure of license.**

29 Every license, except as otherwise provided in this
30 chapter, is valid from the date issued to January 10 of the
31 succeeding calendar year for which it is issued. A license
32 shall not be issued prior to December 15 for the subsequent
33 calendar year except for a ~~three-year~~ multi-year fishing
34 license or a ~~three-year~~ multi-year hunting license issued to a
35 resident pursuant to rules adopted pursuant to section 483A.17

1 ~~subsection 1.~~

2 DIVISION II

3 COORDINATING PROVISIONS

4 Sec. 10. Section 331.605, subsection 1, paragraph b,
5 subparagraph (1), Code 2017, is amended to read as follows:

6 (1) The fees specified in rules adopted pursuant to section
7 483A.1.

8 Sec. 11. Section 331.605, subsection 1, paragraph c, Code
9 2017, is amended to read as follows:

10 c. A state migratory game bird fee as provided in rules
11 adopted pursuant to [section 483A.1](#).

12 Sec. 12. Section 481A.93, subsection 2, paragraph b,
13 subparagraph (2), Code 2017, is amended to read as follows:

14 (2) The totally blind person is accompanied and aided
15 by a person who is at least eighteen years of age and whose
16 vision is not seriously impaired. The accompanying person must
17 purchase a hunting license that includes the wildlife habitat
18 fee as provided in rules adopted pursuant to [section 483A.1](#)
19 if applicable. If the accompanying person is not required
20 to have a hunting license the person is not required to pay
21 the wildlife habitat fee. During the hunt, the accompanying
22 adult must be within arm's reach of the totally blind person,
23 and must be able to identify the target and the location of
24 the laser sight beam on the target. A person other than the
25 totally blind person shall not shoot the laser sight-equipped
26 gun or bow.

27 Sec. 13. Section 483A.1A, subsection 10, paragraph c, Code
28 2017, is amended to read as follows:

29 c. Is a student who qualifies as a resident pursuant to
30 paragraph "b" only for the purpose of purchasing any resident
31 license specified in rules adopted pursuant to [section 483A.1](#).

32 Sec. 14. Section 483A.7, subsection 3, paragraph b, Code
33 2017, is amended to read as follows:

34 b. The commission shall assign one preference point to a
35 nonresident whose application for a nonresident wild turkey

1 hunting license is denied due to limitations on the number
 2 of nonresident wild turkey hunting licenses available for
 3 issuance that year. An additional preference point shall be
 4 assigned to that person each subsequent year the person's
 5 license application is denied for that reason. A nonresident
 6 may purchase additional preference points pursuant to rules
 7 adopted pursuant to section 483A.1, subsection 2, paragraph
 8 "j". The first nonresident wild turkey hunting license drawing
 9 each year shall be made from the pool of applicants with the
 10 most preference points and continue to pools of applicants
 11 with successively fewer preference points until all available
 12 nonresident wild turkey hunting licenses have been issued. If
 13 a nonresident applicant receives a wild turkey hunting license,
 14 all of the applicant's assigned preference points at that time
 15 shall be removed.

16 Sec. 15. Section 483A.8, subsection 3, paragraphs a, b, and
 17 e, Code 2017, are amended to read as follows:

18 a. A nonresident hunting deer is required to purchase
 19 a nonresident annual hunting license that includes the
 20 wildlife habitat fee and a nonresident deer hunting license.
 21 In addition, a nonresident who purchases a deer hunting
 22 license shall pay a one dollar fee that shall be used and
 23 is appropriated for the purpose of deer herd population
 24 management, including assisting with the cost of processing
 25 deer donated to the help us stop hunger program administered
 26 by the commission.

27 b. A nonresident who purchases an antlered or any sex deer
 28 hunting license pursuant to rules adopted pursuant to section
 29 483A.1, subsection 2, paragraph "i", is required to purchase
 30 an antlerless deer only deer hunting license at the same
 31 time, pursuant to rules adopted pursuant to section 483A.1,
 32 subsection 2, paragraph "k".

33 e. The commission shall assign one preference point to a
 34 nonresident whose application for a nonresident antlered or any
 35 sex deer hunting license is denied due to limitations on the

1 number of nonresident antlered or any sex deer hunting licenses
2 available for issuance that year. An additional preference
3 point shall be assigned to that person each subsequent year
4 the person's license application is denied for that reason. A
5 nonresident may purchase additional preference points pursuant
6 to rules adopted pursuant to section 483A.1, subsection 2,
7 ~~paragraph "j"~~. The first nonresident antlered or any sex deer
8 hunting license drawing each year shall be made from the pool
9 of applicants with the most preference points and continue
10 to pools of applicants with successively fewer preference
11 points until all available nonresident antlered or any sex deer
12 hunting licenses have been issued. If a nonresident applicant
13 receives an antlered or any sex deer hunting license, all of
14 the applicant's assigned preference points at that time shall
15 be removed.

16 Sec. 16. Section 483A.8, subsections 4 and 6, Code 2017, are
17 amended to read as follows:

18 4. The commission may provide, by rule, for the issuance of
19 an additional antlerless deer hunting license to a person who
20 has been issued an antlerless deer hunting license. The rules
21 shall specify the number of additional antlerless deer hunting
22 licenses which may be issued, and the season and zone in which
23 the license is valid. The fee for an additional antlerless
24 deer hunting license shall be ~~ten dollars~~ an amount established
25 by rules adopted pursuant to section 483A.1 for residents.

26 6. The commission shall provide by rule for the annual
27 issuance to a nonresident of a nonresident antlerless deer
28 hunting license that is valid for use only during the period
29 beginning on December 24 and ending at sunset on January 2 of
30 the following year and costs ~~seventy-five dollars~~ an amount
31 established by rules adopted pursuant to section 483A.1. A
32 nonresident hunting deer with a license issued under this
33 subsection shall be otherwise qualified to hunt deer in this
34 state and shall purchase a nonresident annual hunting license
35 that includes the wildlife habitat fee, and pay the one dollar

1 fee for the purpose of deer herd population management as
2 provided in [subsection 3](#). Pursuant to [this subsection](#), the
3 commission shall make available for issuance only the remaining
4 nonresident antlerless deer hunting licenses allocated under
5 subsection 3 that have not yet been issued for the current
6 year's nonresident antlerless deer hunting seasons.

7 Sec. 17. Section 483A.9A, subsection 3, Code 2017, is
8 amended to read as follows:

9 3. The commission shall offer to residents a combination
10 package of an annual fishing license and an annual hunting
11 license, as provided in rules adopted pursuant to section
12 483A.1, ~~subsection 1,~~ the cost of which includes the wildlife
13 habitat fee.

14 Sec. 18. Section 483A.24, subsection 2, paragraph d, Code
15 2017, is amended to read as follows:

16 *d.* In addition to the free deer hunting licenses received
17 pursuant to paragraph "c", an owner of a farm unit or a
18 member of the owner's family and the tenant or a member of the
19 tenant's family may purchase a deer hunting license for any
20 option offered to paying deer hunting licensees. An owner of a
21 farm unit or a member of the owner's family and the tenant or a
22 member of the tenant's family may also purchase two additional
23 antlerless deer hunting licenses which are valid only on the
24 farm unit for a fee of ~~ten dollars each~~ established by rules
25 adopted pursuant to section 483A.1.

26 Sec. 19. Section 483A.24, subsection 3, paragraph a, Code
27 2017, is amended to read as follows:

28 *a.* Fifty of the nonresident deer hunting licenses shall be
29 allocated as requested by a majority of a committee consisting
30 of the majority leader of the senate, speaker of the house
31 of representatives, and director of the economic development
32 authority, or their designees. The licenses provided pursuant
33 to [this subsection](#) shall be in addition to the number of
34 nonresident licenses authorized pursuant to [section 483A.8](#).
35 The purpose of the special nonresident licenses is to allow

1 state officials and local development groups to promote the
2 state and its natural resources to nonresident guests and
3 dignitaries. Photographs, videotapes, or any other form
4 of media resulting from the hunting visitation shall not
5 be used for political campaign purposes. The nonresident
6 licenses shall be issued without application upon purchase of a
7 nonresident annual hunting license that includes the wildlife
8 habitat fee and the purchase of a nonresident deer hunting
9 license. The licenses are valid in all zones open to deer
10 hunting. The hunter education certificate requirement pursuant
11 to [section 483A.27](#) is waived for a nonresident issued a license
12 pursuant to [this subsection](#).

13 Sec. 20. Section 483A.24, subsection 4, paragraph a, Code
14 2017, is amended to read as follows:

15 a. Fifty of the nonresident wild turkey hunting licenses
16 shall be allocated as requested by a majority of a committee
17 consisting of the majority leader of the senate, speaker of
18 the house of representatives, and director of the economic
19 development authority, or their designees. The licenses
20 provided pursuant to [this subsection](#) shall be in addition
21 to the number of nonresident licenses authorized pursuant
22 to [section 483A.7](#). The purpose of the special nonresident
23 licenses is to allow state officials and local development
24 groups to promote the state and its natural resources to
25 nonresident guests and dignitaries. Photographs, videotapes,
26 or any other form of media resulting from the hunting
27 visitation shall not be used for political campaign purposes.
28 The nonresident licenses shall be issued without application
29 upon purchase of a nonresident annual hunting license that
30 includes the wildlife habitat fee and the purchase of a
31 nonresident wild turkey hunting license. The licenses are
32 valid in all zones open to wild turkey hunting. The hunter
33 education certificate requirement pursuant to [section 483A.27](#)
34 is waived for a nonresident issued a license pursuant to this
35 subsection.

1 Sec. 21. Section 483A.24, subsection 16, Code 2017, is
2 amended to read as follows:

3 16. Upon payment of the fee ~~of five dollars~~ established by
4 rules adopted pursuant to section 483A.1 for a lifetime fishing
5 license or lifetime hunting and fishing combined license, the
6 department shall issue a lifetime fishing license or lifetime
7 hunting and fishing combined license to a resident of Iowa
8 who has served in the armed forces of the United States on
9 federal active duty and who was disabled or was a prisoner of
10 war during that veteran's military service. The department
11 shall prepare an application to be used by a person requesting
12 a lifetime fishing license or lifetime hunting and fishing
13 combined license under this subsection. The department of
14 veterans affairs shall assist the department in verifying the
15 status or claims of applicants under this subsection. As used
16 in this subsection, "*disabled*" means entitled to a service
17 connected rating under 38 U.S.C. ch. 11.

18 Sec. 22. Section 483A.28, subsection 4, Code 2017, is
19 amended to read as follows:

20 4. Any person who is issued a valid fishing license pursuant
21 to this chapter may fish with a third line as provided in
22 section 481A.72 only upon the annual purchase of a third line
23 fishing permit as provided in rules adopted pursuant to section
24 483A.1.

25 Sec. 23. Section 717F.7, subsection 3, Code 2017, is amended
26 to read as follows:

27 3. A person who keeps falcons, if the person has been issued
28 a falconry license by the department of natural resources
29 pursuant to rules adopted pursuant to section 483A.1.

30 Sec. 24. Section 805.8B, subsection 3, paragraph o,
31 unnumbered paragraph 1, Code 2017, is amended to read as
32 follows:

33 For violations of rules adopted pursuant to section 483A.1
34 relating to licenses and permits, the scheduled fines are as
35 follows:

1 DIVISION III

2 TRANSITION PROVISIONS AND EFFECTIVE DATES

3 Sec. 25. RULEMAKING. The natural resource commission shall
4 submit a notice of intended action to the administrative rules
5 coordinator and the administrative code editor pursuant to
6 section 17A.4, subsection 1, not later than July 14, 2017, for
7 the adoption of rules establishing fees pursuant to section
8 483A.1, subsection 1, as enacted by this Act. Such rules shall
9 be effective December 15, 2017.

10 Sec. 26. EFFECTIVE DATES — TRANSITION.

11 1. Divisions I and II of this Act take effect December 15,
12 2017. A license issued or in effect prior to December 15,
13 2017, is subject to the provisions of Code 2017. This Act does
14 not affect the validity of a license issued prior to December
15 15, 2017.

16 2. This division of this Act, being deemed of immediate
17 importance, takes effect upon enactment.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 DIVISION I. This bill authorizes the natural resource
22 commission to adopt rules providing for the issuance of
23 licenses for fishing, hunting, and fur harvesting and
24 setting fees for those licenses. The bill provides that fees
25 established by such rules shall be periodically evaluated by
26 the department of natural resources, but not less than once
27 every three years to ensure that the fees paid are sufficient
28 to meet the needs of natural resource management and the
29 public.

30 By December 15 of each year on and after December 15, 2018,
31 that an evaluation of license fees is completed, the department
32 is required to file a written report with the commission
33 and the general assembly which includes the evaluation and
34 recommendations for changes, if any. Any fee increase proposed
35 in such a report shall not take effect until on or after

1 December 15 of the succeeding year and an individual license
2 fee shall not be increased in any calendar year by more than 5
3 percent.

4 The bill provides that income generated from land acquired
5 with revenues from wildlife habitat fees and matched federal
6 funds shall be used to pay property taxes on that land, and if
7 no income is generated, wildlife habitat fee revenue shall be
8 used to pay the taxes. Currently, the taxes are paid only with
9 wildlife habitat fee revenues.

10 The bill provides that \$3 from each wildlife habitat fee
11 shall be allocated to game bird habitat development programs as
12 specified in Code section 483A.3B and not less than 50 percent
13 of the balance of each fee shall be used by the commission to
14 enter into agreements with county conservation boards or public
15 agencies in order to carry out the purposes of Code section
16 483A.3.

17 The bill amends Code section 483A.3(3) to provide that
18 any increase in wildlife habitat fees collected on or after
19 December 15, 2017, as a result of new rules adopted shall be
20 used by the commission for any of the purposes set forth in
21 Code section 483A.3 or 483A.3B, except that such increases in
22 revenue cannot be used by the commission for land acquisition.
23 Currently, the increase in wildlife habitat fee revenues
24 received as a result of an increase in the resident and
25 nonresident wildlife habitat fees in 2007, from \$8 to \$11,
26 can be used by the commission only for game bird habitat
27 development programs.

28 The bill also provides that of the \$3 from each wildlife
29 habitat fee that is allocated to game bird habitat development
30 programs, not less than \$2 must be allocated to the game bird
31 wetlands conservation account and not less than \$1 must be
32 allocated to the game bird buffer strip assistance account.

33 The bill changes any references to three-year licenses to
34 instead refer to multi-year licenses that may be issued on or
35 after December 17, 2017.

1 The bill allows the commission to establish by rule, a new
2 five-day nonresident adult hunting license that includes the
3 wildlife habitat fee. However, the bill also provides that
4 a nonresident who purchases a hunting license in conjunction
5 with a deer or turkey hunting license must purchase an annual
6 hunting license.

7 DIVISION II. Numerous coordinating amendments are made
8 to the Code as necessitated by the changes that are made in
9 division I of the bill allowing the commission to provide for
10 licenses and fees by rule.

11 DIVISION III. The bill directs the natural resource
12 commission to commence rulemaking procedures by July 14, 2017,
13 for the adoption of rules pursuant to the bill's provisions
14 that must be effective December 15, 2017.

15 The bill provides that divisions I and II of the bill take
16 effect December 15, 2017, and that licenses issued or in
17 effect prior to this date remain valid and are subject to the
18 provisions of Code 2017.

19 Division III of the bill is effective upon enactment.